charges are not more than the collection,

that argument is not correct. What is the rate of collection so far as corporate tax is concerned? The collection rate is 0.45 per cent. So far as income tax collection is concerned, the rate is 4.2 per cent in 1984-85.

estate duty it is 83 per cent. There have been complaints also that a lot of harassment is done. We were to see that there would not be any harassment. But when we found that it was not practicable, we thought it was better to abolish this estae duty.

Now, Sir, about black money, honoura ble Members of Parliament and the nation stood by us, by the Department, and even in the Consultative Committee meetings of the Finance Ministry, irrespective of party affiliations all the Members stood by us. Even today Mr. Desai made it very clear that the Government will not shirk its responsibility. He referred to the statement of the Finance Minister. This is the commitment of the Government of India that we are going to take action against blackmarketing and the tex-evadors. It is a war against blackmoney. We are also going to punish those people who have been taking the law into their own hands. Our philosophy and our thinking has been made very clear, in Parliament Total revenue collection which had been made last year was to the tune of Rs. 2,616 crores, more than the Budget esti mates. That was the Performance of this Government. It has never hap pened in the pas. It has hap pened during the regime of our Prime Minister. Here we want to say that even in the departments we have removed cor ruption to a great extent. Our officers are also very effective. As I told you earlier; the performance in the Revenue Department has been exemplary. A politicians of the Government and as heads of the Departments we shall not interfere in the functioning of the revenue officials. We recognise the efficiency of the people who have been working effectively in the Administration and we reward them. Reward has also been given - to the people who have given information to the Department. With these methods we have been able to move in a correct direction making some big contribution to the developmental activities of the nation. So far as the points raised by Shri Nirmal Chatterjee is concerned, it has been met effectively by an hon. Member, Shri P. N. Sukul. So, I need not go over them once again. I want to make it very clear at the cost of repetition, that action against blackmarketing will continue and we are no scared of these big fishes as referred to by the hon. Members. We will not be scared by those big tax-eva-dors. Action will follow and more collection in the form of revenue collection will be ther for the nation.

With this I commend the Bill.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR S ANSAE): The question is:

"That the Bill further to amend the Estate Duty Act, 1953, as passed by the Lok Sabha, be taken into consideration." *The motion vas adopted.*

THE , VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL)-. We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 1, *Enacting formula and the title were added to the Bill.*

SHRI JANARDHAN POOJARI: Sir, I move:

"That the Bill be returned." *The question was put and the motion adopted.*

THE JUVENILE JUSTICE BILL, 1986

THE MINISTER OF STATE OF THE MINISTRY OF THE MINISTRY OF WELFARE (DR. SMT. RAJENDRA KUM/RI BAJPAI); I beg to move:

"That the Bill to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication

[Dr. Smt. Rajendra Kunfari Bajpai]

of certain matters relating to, and disposition of, delinquent juveniles, as passed by the Lok Sabha, be taken into consideration."

Sir, at this stage I want to say a few words. Just now we have celeberated the children's day all over India. We know that the children are our nation's treas[r]ufe. So we have recognised this fact that no child is born delinquent. It is lack of care, social and economic com pulsion which leads them to delinquency. Now, we have to tackle this problem with a new approach. This Bill gives a new approach and a new direction. Therefore, for the society to treat them as criminals or to put them in the same environment as the hardened adult criminals is undesi rable and injustice to young children. That is why this Bill has been brought forward. Instead the emphasis is and hag been to provide care, protection and rehabilitaion to such children so that they could grew up to be useful members of the society and they are not condemned as criminals and rather they are not made criminals by putting them in jail. So the welfare of children, as a whole, has been accorded the highest priority by the Government and among children the welfare of those who are ,neglected or delinquent requires greater attention. So this Bill has taken care of those circumstances by which children become delinquent. We have also made a distinction between neglected children and those who are juvenile de linquent. This existing approach towards children who violate law or who are found in the ' situations of social mal-adjustment is governed by the Children Act in various States. There are Children Acts, but still we are bringing this Bill to bring uniformity in all the prevattiug Acts because these Acts are not fulfilling the needs.

Besides laying down the differential treatment r/f juvenile delinquent as compared to the criminal procedure code for daily offenders, we have to make a distinction between that. There are hardened criminale or adult criminals, and the children criminals are not the same *thing.* So this Bill proyides a clear protection and rehabilitation of certain categories of children.

A recent review of Children Act showed that there is certain lacunae in the ex-xisting law and ther are variations also in the basic approach and in regard to the age group. In some States there are certain age groups of 14 years and in some other States there are certain other age groups. So to bring uniformify' in the age groups, we have brought this Bill which I will later on explain.

Then the infrastructure for iaiplenta-tion of such an Act is not uniformly available i,n various parts of the country though there are Children Acts because infrastructure has not been built up as it Should be. There are also glaring differences in penalities. That is one of the causes the penalities. That is one of the cause by which children are made either delinquent of they are prone to that. So, we have to take care of it. Then enalty prescribed for offences against children under the substantive law and special enactment, there is also a difference in that. Then, ther is no scientific system classifying delinquent children on the basis of nature of offences and other circumstances related to the offence. That means if there are some minor offences making them declared delinquent, that is one thing and here, for example, if for minor offences and heinous crimes of those children under the existing Act, of are treated at par with delinquents and their crime is also treated like that. So, in the absence of any uniform and well-defined norm and standard under a common legislation!, the quality of services has often been the subject of severe criticism in various fora and recently, we have seen how Supreme Court has reacted on Children Acts. So. since the enactment of new Code of Criminal procedure 1973 which has made it mandatory for juvenile delinquent to be treated under the Chil-*den Act,* the need to evolve unified framework for the country as a whole has been felt because if the act is uniform, then

we can evolve certain framework throughout the country and that will help in doing justice to our children, who are only a if they are neglected but not delinquent, they can be treated separately. It has also been felt that such a legislation should take into account the social, cultural and economic presure of an organisation and the accelerated pace of migration from rural to urban areas, erosion of protect-ective institutions and a set patem of life which have added to the problem of children. With the industrialisation of our country, and the modern way of accepting this industrialisation has creafed problems. People from the rural areas have come to urban areas for seeking jobs. There, they live in altogether different environment, different situation, and their children problem becomes much more critical or serious. In the vilages, in the rural atmosphere, at least, they are protected but in the city life, the whole situation is changed and there, they are not protected as they were protected in rural areas. That has created problem and this has also created two types of problems, that is, ther are some neglected children and there are delinquent children. So, in all these changes. the group of people which has suffered most is the children in whom an increasing trend of delinquency is seen because of the family situation, because of the modernization, because of industrialisation. This has pot impact on. family life and this has got impact On children as. well and they are victims in some way or the other especially in slum areas and in case of children whose parents are working. Prom the middle class families, the number of delinquent children is increasing. Rai we have to face *(his* problem and to face this problem, this Government has come with this Bill.*

There is a strong view that the Children Acts require to be rationalised in respect of children in need of care and protection from the view-point of social defence. We have to eonsider that most of the children are in fact the victim* of deprivation and neglect—-this is ewe of the major cause—due to the, breakdown of the protective mechanism at the primary level. It has been felt that these children can best be taken care of by sending them back to their natural milieu of family. This Bill has taken care of that. It takes care to see that children who are found in the streets, who are neglected, who have not committed any serious crime are again sent back to their, families. That is the approcah that this Bill has brought. First the school and the neighbourhood and then the family and the community will take care of such children.

It is, therefore, imperative that in order to tackle the problem in its full range, the juvenile justice system should correct-such aberrations wherever they occur. This awareness calls for a new concesspt of juvenile justice to be evolved in place of the traditional approach of corrective action only when the law is vidlated or is likely to be violated. This is the most important approach that this Bill has given before this august House. The approach is that we must accept this concept of a new juvenile justice system to be evo ved in place of the traditional approach of correctiveness. -This is a departure from the approach that we have till now been practising. This is a new concept that children are not born criminal and that children who can again be brought back to their families, to the community need a different kind of treatment. ft is not that only some punishment will help. That is why this Bill is a departure from the present approach > to juvenile justice.

This approach, therefore, envisaged the active involvement of community-based welfare agencies in the care, treatment and rehabilitation of such children witbin the legal framework. We have provided for. this legal framework in this Bill. I will just now tell the House as *to* what aTe the measures we are going to take.

The law should clearly spell out the res-ponsibility of the State towards protecting the rights of children who become victims of situational compulsions. We have to-make a distinction like that. The Juvenile Justice Bill, viewed in this context, seeks to replace the traditional structure of dealing with juvenile delinquents. These These are the two aspects. These two aspects we are now separating for the first time.

[Dr. Smt. Rajendra Kumari Bajpai] The objectives of the Juvenile Justice Bill are, firstly, to lay down a uniform legal framework for juvenile justice in the country so as to ensure that no child under any circumstances is lodged in jail or police lock-up. Till now, any child which was found doing something wrong, event on small charges, was put in the police lock-up and then sent to jail. Now the basic approach in this Bill is that under no circumstances, the child is going to be placed in jail or police lock-up.

The Bin seeks to provide a specialised approach towards the prevention and treat-ment of juvenile delinquency its full range in keeping with the developmental needs of the child found in any situation ot social maladjustment.

The Bill spells out the machinery and infrastructure required for the care, treatment and rehabilitation, of various cate-gorie of children coming within the purview of the juvenile justice system. We have made provision for having observation homes, special homes, juvenile welfare board, juvenile court, and so on. All the infrastructure. has been provided in this Bill so that we can take care of every situation in which a child finds himself. The Bill seeks to establish norms and standards for administration of juvenile justice in terms of investigation and prosecution. That will be dons by the observation homes provided the child is in an observation home. Adjudication, disposition, care, treatment rehabilitation-we do not want that the child, after having been kept in the home and taken care of so much goes out and falls into the trap of those criminals, of those who exploited him. That aspect has been taken care of in this Bill. The Bill seeks to develop appropriate li.nkage and coordination between the formal system of juvenile justice and voluntary agencies engaged in :he welfare of socially maladjusted children who specifically find areas of their responsibilities afid roles. in this Bill the involvement of voluntary organisations, has been made more than it has been hitherto. We are now giving them responsibilities. We are seeking to give responsibilities to those organsations which are working in the field of child care so that it will help in solving the problem, in implementing the provisions.

Finally, the Bill seeks to bring the opera tion of juvenile justice system in tha country in conformity with the United Nations' standard minimum rules for administration of juvenile justice.

I now proceed to highlight some of the provisions of this Bill. I have, of course, already spoken of some of the provisions. The Bill provides for coverage of juveniles of a uniform age. All over India there will be a uniform age for treating children as juvenile—16 years in the case of boys and 18 years for girls. The Bill seeks to put a total ban on confinement of the juveniles in jail or in police lock-ups. That is the main highlight of this Bill. Then the Bill provides for authorisation of voluntary agencies, voluntary workers, for referral of non-delinquent juveni'es to the competent authorities and institutions under the proposed law. This is also a very useful provision by which the voluntary organisations can rehabilitate such boys and girls to their proper places. The Bill provides for separate authorities for adjudication of deliquent and non-delinquent children—separation of non-deli-quents froim delinquents. That is de-linquents will be kept in separate: places and those who are neglected children will be kept in separate places. Petty offenders will be separated from hardened criminals at various stages of apprehension, processing and placement. Another thing which the Bill seeks to provide for is to widen the range of dispositional alternative for rehabilitation with preference to community-based care such as borstal care, adoption, sponsorship, probation and community service and use of institutional care only as a last measure. This punishment will be the last one. First, the children will be put in foster homes or would be given to some good families for adoption and thev can adorrt them for some time till they are made good children with good education and other things. Then there

are provisions for sponsorships. Some people may sponsor some young boys and girls for their education. The Bill also provides for minimum standards for in stitutional and non-instiutional services for various categories of juveniles and for special procedures for handling, proces sing, placement, appeals, revision, etc. to be authorised by the competent authority. So, this is a very comprehensive Bill in the sense that we are just providing every thing by which we can tackle any problem which such a child is facing and with tha help of these provisons, we can just take care of that child. But taking care of the child is not the only approach in this Bill. It is also, after taking care. to give them education and vocational train ing, and give them some jobs so that their life is made norma] and they do not take to bad path or to those quarters from where they have come to these homes. So, this Bill provides for a comprehensive system for future care and follow-up of cases processed thrbugjh the Juvenile Justice System. We also will take care to see that these neglected children or delinquent children do not again fall a prev to those who had exploited them earlier or those groups or gangs who are exploiting children. The Bill provides for greater involvement of voluntary organisa tions, mobilisation of funds from private and public organisations and individuals, generating awarene and rarticipation in the welfare and rehabilitaiton of socially handicapped children. So. we have laid great emnhasis on the rehabilitation part of the juvenile delinquents. There is a greater thrust towards education, vocational training and rehabilitation of juvenile delin. quents under the proposed law.

The Bill also seeks to enhance the punishment for the offence of employment of juvenile delinquents or neglected children for begging. As you can see in the Bill, we have enhanced the punishment by three years for those who are exploiting children and engaging them for drug traffi-ck and other such things, for begging, for giving intoxicating liquor or dangerous drugs and are engaged in the exploitation of the juvenile delinquents. If any child is exploited like this by some persons, they will be given this enhanced punishment.

With these words, Sir, I move, that the Juvenile Justice Bill be taken into consi-deration and passed. Thank you.

The question was proposed.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): Now, Mr. Narayan Kar.

SHRI K. MOHANAN: Sir, we have got hardly about twenty mnutes at our disposal, So, I think we can take it up tomorrow and we can adjourn now.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL); All right. We will continue the discussion tomorrow. But now some Paper is to be laid on the Table by Mr. Gadhvi. Let that be over.

PAPER LAID ON THE TABLE—contd.

Notification of the Ministry of Finance (Department of revenue)

SHRI B. K. GADHVI: Sir, I beg to lay on the Table a copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notification No. 450/86-Central Excises, dated the 17th November, 1986, exempting goods commonly known as 'pattis' or 'pattas' of Stainless Stee: and falling under chapter 72 of the Schedule to the Central Excise Tariff Act, 1985 from so much of duty of excise leviable thereon as in in excess of Rs. 365- per tonne, together with an Explanatory Memorandum thereon. [Placed in Library. *See* No. LT-3225|86].

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): The House is now adjourned till 11-00 A.M. tomor row.

The House then adjourned at forty minutes past five of the Clock till eleven of the Clock in Tuesday, the 18th November, 1986.